

5/3/01

**DISPOSITION
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Paper No. 14
CEW

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

Trademark Trial and Appeal Board

In re Robert Bosch GmbH

Serial No. 75/473,538

J. W. Gipple of Gipple & Hale for applicant.

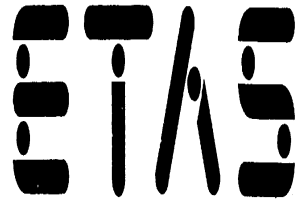
Adam C. Striegel, Senior Trademark Attorney, Law Office 112
(Janice O'Lear, Managing Attorney).

Before Quinn, Walters and Drost, Administrative Trademark
Judges.

Opinion by Walters, Administrative Trademark Judge:

Robert Bosch GmbH has filed an application to register on the Principal Register the mark shown below for services identified, as amended, as "providing training in the use and application of computer programs which interface with embedded automotive control software for the purposes of testing, measuring and application of hardware, but excluding all those aforesaid goods being used in the field of navigation including navigational systems for vehicles

in particular electronic travel pilots and electronic maps," In International Class 41.¹



The Examining Attorney has issued a final refusal requiring the submission of substitute specimens showing use of the mark in connection with the sale or advertising of the identified services.

Applicant has appealed. Both applicant and the Examining Attorney have filed briefs, but an oral hearing was not requested. We reverse the refusal to register.

The specimens submitted with the application are described by applicant, in its April 5, 2000 response, as including photographs "of signage outside applicant's

¹ Application No. 75/473,538, filed April 24, 1998, based on use in commerce, alleging first use as of June 1994, and first use in commerce as of February 1997. The application also includes goods identified as "computer programs which interface with embedded automotive control software for the purposes of testing, measuring and application of hardware, but excluding all those aforesaid goods being used in the field of navigation including navigational systems for vehicles in particular electronic travel pilots and electronic maps," in International Class 9. However, the acceptability of the specimens submitted in connection with these goods is not at issue in this appeal.

buildings in Ann Arbor, Michigan and Stuttgart, Germany" and photographs that "show signage at a display booth at its headquarters where guests are informed about the training services which applicant offers." The first photograph clearly shows the mark herein on a sign in front of a building in Ann Arbor, Michigan. The latter photograph, which is an exhibit booth that clearly exhibits the mark herein, is on a page from a January 1998 publication identified as *RealTimes*. The accompanying paragraph of writing on the page indicates that the booth is directed to visitors, *i.e.*, prospective and existing clients, at applicant's headquarters and describes the services demonstrated.

The Examining Attorney contends that the service mark specimens are unacceptable because "neither the signs outside the applicant's buildings nor the signs at the display booth refer to the services." The Examining Attorney argues that specimens do not indicate that applicant is providing the training services identified in the application.

Contrary to the Examining Attorney's contentions, we find that the specimens are acceptable evidence of the use of the mark herein in connection with the services identified in the application. The mark appears in the

photograph in connection with applicant's display booth. The accompanying text refers to a "demo work station." The nature of applicant's service does not need to be spelled out in greater detail on the specimen. We conclude that the specimens of record are adequate to support the use of the mark in connection with the identified services.

Decision: The refusal to register on the ground that the specimens are unacceptable evidence of service mark use in connection with the identified services is reversed.